

NOTICE OF MEETING
OF THE
ARIZONA PROSECUTING ATTORNEYS' ADVISORY COUNCIL

AGENDA

Pursuant to A.R.S. §38-431.02, notice is hereby given to the members of the Arizona Prosecuting Attorneys' Advisory Council and to the general public that the Arizona Prosecuting Attorneys' Advisory Council will hold a meeting open to the public on Friday, January 11, 2013, at 10:00 a.m. at the APAAC Office. The toll-free dial-in number to appear telephonically is **1-877-820-7831** and the participant Passcode is **487550**. You may also attend the meeting via SCOPIA videoconferencing.

Pursuant to the Americans with Disabilities Act (ADA), the Arizona Prosecuting Attorneys' Advisory Council endeavors to ensure the accessibility of its meetings to all persons with disabilities. If you need an accommodation for a meeting, please contact Elizabeth Iniguez-Reyna at (602) 542-7222 at least 24 hours prior to the meeting so that an accommodation can be arranged.

I. Call to Order (Two Minutes) SHEILA POLK

II. Roll Call (Two Minutes) SHEILA POLK

III. Consent Agenda (Two Minutes) SHEILA POLK

Possible Action

P – F – T

A. Minutes from the October 25, 2012, Council Meeting;
November 2, 2012, Council Special Meeting; and,
December 18, 2012, Council Special Meeting (Attachments)

B. Financial Report regarding deposits and/or expenses to
APAAC's account for September through November 2012
(Attachment)

Financial Statement regarding State Treasurer's account for
APAAC expenditures and/or deposits for September through
November 2012 (Attachment)

IV. Chair's Report (Fifteen Minutes) SHEILA POLK

Information Only

A. Recognition of former Pinal County Attorney James Walsh

B. Welcome to incoming Council Members:

- Gila County Attorney Brad Beauchamp
- La Paz County Attorney Tony Rogers
- Pinal County Attorney Lando Voyles
- University of Arizona Law School Dean Marc Miller

C. APAAC Committee Assignments

D. Update on CWAG training

V. Executive Director's Report (Fifteen Minutes)

ELIZABETH ORTIZ
Information Only

A. Status update on cases in which APAAC filed *amicus* briefs:

1. *Missouri v. McNeely*:

a. **Issue:**

Whether the Fourth Amendment Search and Seizure Clause is violated when, following a lawful arrest for driving under the influence of alcohol, the police take a blood sample from the defendant in a medically approved manner to obtain and preserve evidence of the defendant's blood alcohol level, without waiting to first obtain a search warrant.

b. **Status:**

Argued in front of United States Supreme Court on January 9, 2013

2. *State v. Cooperman*:

a. **Issue:**

Whether the Court of Appeals erred in holding that under A.R.S. §28-1381(G) the presumption of intoxication must be given "whenever the state introduces evidence that a defendant had an alcohol concentration of 0.08 or more."

b. **Status:**

Pending before the Arizona Supreme Court

3. *Montgomery v. Bassett [Cuen, RPI]*

a. **Issue:**

Whether a *pro per* defendant has the right to personally cross-examine his sexual assault victim

b. **Status:** Pending before the Arizona Court of Appeals

B. JR Justice Loan Repayment Program Update

C. Council office visits since last APAAC meeting:

1. Mohave County Attorney's Office on November 7, 2012

2. Coconino County Attorney's Office on December 14, 2012

D. APAAC website Spotlight for prosecutors and support staff (Attachments)

- E. Expansion of APAAC Working Groups to include Medical Marijuana and Child Abuse.
- F. APAAC recommendation regarding County Attorney opening on DUI Abatement Council
- G. Upcoming APAAC personnel changes.

VI. NDAA Report

SHEILA POLK

Possible Action

P – F – T

- A. Payment of NDAA Dues
- B. Election of Arizona Representative to NDAA Board of Directors
- C. NDAA Capital Conference February 11 – 13, 2013

VII. Proposed amended APAAC budget (Ten Minutes)
(Attachment)

ELIZABETH ORTIZ

Possible Action

P – F – T

VIII. Proposed revision to APAAC Amicus Policy
(Five Minutes) (Attachment)

ELIZABETH ORTIZ

Possible Action

P – F – T

IX. Proposed standardization of criminal code tables
(Ten Minutes) (Attachments)

KIM MacEACHERN

Possible Action

P – F – T

X. Arizona Association of County Organizations Report
(Five Minutes)

BRAD CARLYON

Information Only

XI. Training Committee Report (Ten Minutes)

TOBIN SIDLES

Information Only

- A. Recent and Upcoming APAAC Seminars (Attachment)
- B. Status of Richard Wintory Trial Advocacy Training Consultant Contract

XII. Legislative Policy Committee Report (Thirty Minutes)
(S=Support, O=Oppose, N=No Position, I=Info)

BRAD CARLYON

Possible Action

A. Bail Bonds:

- 1. Bail Bond #1, 20-340.03 (Attachment) S – O – N – I
- 2. Bail Bond #2, 20-304.01 (Attachment) S – O – N – I
- 3. Bail Bond #3, 13-3969 (Attachment) S – O – N – I

- | | | |
|----|---|---------------|
| 4. | Bail Bond #4, 13-3974 (Attachment) | S – O – N – I |
| 5. | Bail Bond #5, 13-3967 (Attachment) | S – O – N – I |
| 6. | Bail Bond #6 (Attachment) | S – O – N – I |
| | | |
| B. | Navajo County Attorney's Office Proposal: | |
| 1. | Grand Jury-2012 (Attachment) | S – O – N – I |
| | | |
| C. | Pima County Attorney's Office Proposals: | |
| 1. | Victim's Rights 2013; Amending ARS §13-4433 (Attachment) | S – O – N – I |
| 2. | Involuntary Commitment of Incompetent/Non-restorable Defendants (Attachment) | S – O – N – I |
| 3. | Amendment to Tampering with a Witness to address State v. Gray, 2 CA-CR 2010-0235, 6/20/11 (Attachment) | S – O – N – I |
| | | |
| D. | AJC 2013 Proposal Summary (Attachment) | S – O – N – I |
| | | |
| E. | Caylee's Law H2002 – Missing child; reporting; offense (Attachment) | S – O – N – I |
| | | |
| F. | Criminal Cleanup – Draft 0247 (Attachment) | S – O – N – I |
| | | |
| G. | Electronic Cigarettes (Attachment) | S – O – N – I |
| | | |
| H. | Graffiti (Attachment) | S – O – N – I |
| | | |
| I. | License Plate Radio Frequency ID (Attachment) | S – O – N – I |
| | | |
| J. | Liquefied Petroleum Gas containers; penalties (Attachment) | S – O – N – I |
| | | |
| K. | Medical Marijuana proposals; Yavapai (Attachments) | S – O – N – I |
| | | |
| L. | Medical Marijuana Repeal; HCR2003 (Attachment) | S – O – N – I |
| | | |
| M. | Online Impersonation – H2004 (Attachment) | S – O – N – I |
| | | |
| N. | Political Subdivision entities; access – H2005 (Attachment) | S – O – N – I |

- | | | |
|--------------|--|--|
| O. | Predominant Aggressor – Amending ARS §13-3601
(Attachment) | S – O – N – I |
| P. | Restitution Lien – autos (Attachment) | S – O – N – I |
| Q. | Stopped School Buses; lights (Attachment) | S – O – N – I |
| R. | Animal Cruelty | |
| | 1. Animal Cruelty; offense – Amending ARS §13-2910;
Stakeholders (Attachment) | S – O – N – I |
| | 2. APAAC Proposal: Animal Cruelty Diversion
(Attachment) | S – O – N – I |
| S. | Theft of Metal-Interim Study Committee; proposal
to add infrastructure damage - Tom Forese - APAAC
bill? (Attachments) | S – O – N – I |
| T. | Novelty Powders – Sheila Polk bill (Attachment) | S – O – N – I |
| XIII. | Proposed public awareness campaign regarding
prosecution and public safety issues (15 Minutes)
(Attachment) | BRAD CARLYON
Possible Action
P – F – T |
| XIV. | Update on Medical Marijuana lawsuit | BILL MONTGOMERY
Information Only |
| XV. | Call to the Public | SHEILA POLK
Information Only |
| XVI. | Next Council Meeting | SHEILA POLK
Information Only |
| | A. February 21, 2013, at 10:00 a.m. at the APAAC Office | |
| XVII. | Adjournment | SHEILA POLK
Possible Action
P – F – T |